

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

United States of America )  
v. )  
DOMINIC ANTHONY DICLEMENTE ) Case No: 5:95CR10-1  
Date of Previous Judgment: April 15, 1996 ) USM No: 2443  
(Use Date of Last Amended Judgment if Applicable) ) Pro Se  
Defendant's Attorney )

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

## **I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: 34 Amended Offense Level: 34 (Career Offender)  
Criminal History Category: VI Criminal History Category: VI  
Previous Guideline Range: 262 to 327 months Amended Guideline Range: 262 to 327 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): No reduction as the guideline range remains unchanged as the total offense level and advisory guideline range did not change since the defendant is a career offender under USSG §4B1.1 (total offense level remained at 34 after applying Amendment 706).

### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated April 15, 1996, shall remain in effect.

IT IS SO ORDERED.

Order Date: December 18, 2009

Effective Date: \_\_\_\_\_  
(if different from order date)

*Richard L. Yorkes*

Richard L. Voorhees  
United States District Judge



